

AMENDED IN SENATE JUNE 19, 2006

AMENDED IN ASSEMBLY APRIL 27, 2006

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 2335

Introduced by Assembly Member Saldana

February 23, 2006

An act to amend Sections 117675, ~~117747~~, 117945, 118220, 118222, 118280, 118285, and 118310 of, *and to add Section 118307 to*, the Health and Safety Code, relating to medical waste.

LEGISLATIVE COUNSEL'S DIGEST

AB 2335, as amended, Saldana. Medical waste.

(1) The existing Medical Waste Management Act prescribes procedures for the regulation, hauling away, and disposal of various types of medical waste. A violation of the act is a crime.

Existing law defines “infectious agent,” for purposes of the act, to mean a type of microorganism, bacteria, mold, parasite, or virus that normally causes, or significantly contributes to the cause of, increased morbidity or mortality of human beings.

This bill would also ~~include within~~ *specify* that *the* definition of “infectious agent” *includes, but is not limited to*, those organisms classified as Biosafety Level II, III, or IV by the federal Centers for Disease Control and Prevention.

~~Existing law defines the term “pharmaceutical,” for purposes of the act, to mean a prescription or over-the-counter human or veterinary drug, including, but not limited to, a drug as defined in the Federal Food, Drug, and Cosmetic Act. The bill would specify that, for~~

~~purposes of the act, “pharmaceutical” does not include any pharmaceutical not regulated as a specified type of hazardous waste.~~

Existing law requires that small quantity generators, as defined, of medical waste who are not required to register with the State Department of Health Services pursuant to specified provisions of the act maintain specified records of any medical waste transported offsite for treatment and disposal, for not more than 2 years.

This bill would require that those records be maintained for not less than 2 years.

Existing law requires a person to take specified actions to containerize biohazard bags. In that connection, it authorizes a person to store certain biohazardous waste at an onsite location for not longer than 90 days without obtaining prior written approval from the enforcement agency or the State Department of Health Services, except as provided.

~~This bill would revise that requirement to authorize a person to store that biohazardous waste at an offsite location for not longer than 90 days when the container is ready for disposal or one year, whichever is shorter, without obtaining that written approval, except as provided provide that the containment and storage time for wastes consolidated in a common container, as provided, shall not exceed the storage time for any category of waste set forth under the above provisions of the act.~~

The bill would *require that medical waste that is stored in an area prior to transfer to a designated accumulation area, as defined, be stored in an area that is either locked or under direct supervision or surveillance. The bill would also* make various other changes to the requirements for the containment, storage, and labeling of medical waste, as provided. Since a violation of the bill’s requirements for the containment, storage, and labeling of medical waste would be a crime, the bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

SECTION 1. Section 117675 of the Health and Safety Code is amended to read:

117675. “Infectious agent” means a type of microorganism, bacteria, mold, parasite, or virus, *including, but not limited to, organisms managed as Biosafety Level II, III, or IV by the federal Centers for Disease Control and Prevention*, that normally causes, or significantly contributes to the cause of, increased morbidity or mortality of human beings. ~~Infectious agent includes, but is not limited to, those organisms classified as Biosafety Level II, III, or IV by the federal Centers for Disease Control and Prevention.~~

~~SEC. 2. Section 117747 of the Health and Safety Code is amended to read:~~

~~117747. (a) “Pharmaceutical” means a prescription or over-the-counter human or veterinary drug, including, but not limited to, a drug as defined in Section 109925 or the Federal Food, Drug, and Cosmetic Act, as amended, (21 U.S.C.A. Sec. 321(g)(1)).~~

~~(b) For purposes of this part, “pharmaceutical” does not include any pharmaceutical that is regulated pursuant to either of the following:~~

~~(1) The federal Resource Conservation and Recovery Act of 1976 (RCRA), as amended (42 U.S.C.A. Sec. 6901 et seq.).~~

~~(2) The Radiation Control Law (Chapter 8 (commencing with Section 114960) of Part 9).~~

~~(c) For purposes of this part, “pharmaceutical” does not include any pharmaceutical not regulated as a non-RCRA hazardous waste pursuant to Chapter 6.5 (commencing with Section 25100) of Division 20.~~

~~SEC. 2. Section 117945 of the Health and Safety Code is amended to read:~~

117945. Small quantity generators who are not required to register pursuant to this chapter shall maintain on file in their office all of following:

(a) An information document stating how the generator contains, stores, treats, and disposes of any medical waste generated through any act or process of the generator.

(b) Records of any medical waste transported offsite for treatment and disposal, including the quantity of waste transported, the date transported, and the name of the registered hazardous waste hauler or individual hauling the waste pursuant to Section 118030. The small quantity generator shall maintain these records for not ~~more~~ *less* than two years.

SEC. 3. Section 118220 of the Health and Safety Code is amended to read:

118220. Recognizable human anatomical parts, with the exception of teeth not deemed infectious by the attending physician and surgeon or dentist, shall be disposed of by interment or in accordance with paragraph (1) or paragraph (3) of subdivision (a) of Section 118215, unless otherwise hazardous.

SEC. 4. Section 118222 of the Health and Safety Code is amended to read:

118222. (a) Biohazardous waste that meets the conditions of subdivision (f) of Section 117635 shall be treated pursuant to paragraph (1) or paragraph (3) of subdivision (a) of Section 118215 prior to disposal.

(b) Biohazardous waste that meets the conditions specified in subdivision (g) of Section 117635 shall be treated pursuant to paragraph (1) or paragraph (3) of subdivision (a) of Section 118215 prior to disposal.

SEC. 5. Section 118280 of the Health and Safety Code is amended to read:

118280. To containerize biohazard bags, a person shall do all of the following:

(a) The bags shall be tied to prevent leakage or expulsion of contents during all future storage, handling, or transport.

(b) Biohazardous waste, except biohazardous waste as defined in subdivision (g) of Section 117635, shall be bagged in accordance with subdivision (b) of Section 118275 and placed for storage, handling, or transport in a rigid container that may be disposable, reusable, or recyclable. Containers shall be leak resistant, have tight-fitting covers, and be kept clean and in good repair. Containers may be recycled with the approval of the enforcement agency. Containers may be of any color and shall be labeled with the words "Biohazardous Waste" or with the international biohazard symbol and the word "BIOHAZARD" on the lid and on the sides so as to be visible from any lateral

1 direction. Containers meeting the requirements specified in
2 Section 66840 of Title 22 of the California Code of Regulations,
3 as it read on December 31, 1990, may also be used until the
4 replacement of the containers is necessary or existing stock has
5 been depleted.

6 (c) Biohazardous waste shall not be removed from the
7 biohazard bag until treatment as prescribed in Chapter 8
8 (commencing with Section 118215) is completed, except to
9 eliminate a safety hazard, or by the enforcement officer in
10 performance of an investigation pursuant to Section 117820.
11 Biohazardous waste shall not be disposed of before being treated
12 as prescribed in Chapter 8 (commencing with Section 118215).

13 (d) (1) Except as provided in paragraph (5), a person
14 generating biohazardous waste shall comply with the following
15 requirements:

16 (A) If the person generates 20 or more pounds of biohazardous
17 waste per month, the person shall not contain or store
18 biohazardous or sharps waste above 0° Centigrade (32°
19 Fahrenheit) at any onsite location for more than seven days
20 without obtaining prior written approval of the enforcement
21 agency.

22 (B) If a person generates less than 20 pounds of biohazardous
23 waste per month, the person shall not contain or store
24 biohazardous waste above 0° Centigrade (32° Fahrenheit) at any
25 onsite location for more than 30 days.

26 (2) A person may store biohazardous or sharps waste at or
27 below 0° Centigrade (32° Fahrenheit) at an onsite location for not
28 more than 90 days without obtaining prior written approval of the
29 enforcement agency.

30 (3) A person may store biohazardous or sharps waste at a
31 permitted transfer station at or below 0° Centigrade (32°
32 Fahrenheit) for not more than 30 days without obtaining prior
33 written approval of the enforcement agency.

34 (4) A person shall not store biohazardous or sharps waste
35 above 0° Centigrade (32° Fahrenheit) at any location or facility
36 that is offsite from the generator for more than seven days before
37 treatment.

38 (5) Notwithstanding paragraphs (1) to (4), inclusive, if the
39 odor from biohazardous or sharps waste stored at a facility poses

1 a nuisance, the enforcement agency may require more frequent
2 removal.

3 (e) Waste that meets the definition of biohazardous waste in
4 subdivision (g) of Section 117635 shall not be subject to the
5 limitations on storage time prescribed in subdivision (d). A
6 person may store that biohazardous waste at an onsite location
7 for not longer than 90 days when the container is ready for
8 disposal or ~~one year, whichever is shorter, without obtaining~~
9 ~~prior written approval from the enforcement agency or the~~
10 ~~department, except that persons generating not more than 10~~
11 ~~pounds of that biohazardous waste per calendar year may store~~
12 ~~less than 10 pounds of the biohazardous waste at any onsite~~
13 ~~location for not longer than one year without obtaining prior~~
14 ~~written approval from the enforcement agency or the~~
15 ~~department, unless prior written approval from the enforcement~~
16 ~~agency or the department is obtained. The container shall be~~
17 ~~emptied at least once per year, unless prior written approval~~
18 ~~from the enforcement agency of the department is obtained.~~ A
19 person may store that biohazardous waste at a permitted transfer
20 station for not longer than 30 days without obtaining prior
21 written approval from the enforcement agency or the department.
22 A person shall not store that biohazardous waste at any location
23 or facility that is offsite from the generator for more than 30 days
24 before treatment.

25 (f) The containment and storage time for wastes consolidated
26 in a common container pursuant to subdivision (h) of Section
27 118275 shall not exceed the storage time for any category of
28 waste set forth in this section.

29 SEC. 6. Section 118285 of the Health and Safety Code is
30 amended to read:

31 118285. To containerize sharps waste, a person shall do all of
32 the following:

33 (a) Place all sharps waste into a sharps container.

34 (b) Tape closed or tightly lid full sharps containers ready for
35 disposal to preclude loss of contents.

36 (c) Store sharps containers ready for disposal for not more
37 than thirty days without the written approval of the enforcement
38 agency.

(d) Label sharps containers with the words “sharps waste” or with the international biohazard symbol and the word “BIOHAZARD.”

SEC. 7. Section 118307 is added to the Health and Safety Code, to read:

118307. Medical waste that is stored in an area prior to transfer to the designated accumulation area, as defined in Section 118310, shall be stored in an area that is either locked or under direct supervision or surveillance. Intermediate storage areas shall be marked with the international biohazardous symbol or the signage described in Section 118310. These warning signs shall be readily legible from a distance of five feet.

~~SEC. 7.~~

SEC. 8. Section 118310 of the Health and Safety Code is amended to read:

118310. A designated accumulation area used for the storage of medical waste containers prior to transportation or treatment shall be secured so as to deny access to unauthorized persons and shall be marked with warning signs on, or adjacent to, the exterior of entry doors, gates, or lids. The storage area may be secured by use of locks on entry doors, gates, or receptacle lids.

The wording of warning signs shall be in English, “CAUTION—BIOHAZARDOUS WASTE STORAGE AREA—UNAUTHORIZED PERSONS KEEP OUT,” and in Spanish, “CUIDADO—ZONA DE RESIDUOS—BIOLOGICOS PELIGROSOS—PROHIBIDA LA ENTRADA A PERSONAS NO AUTORIZADAS,” or in another language, in addition to English, determined to be appropriate by the infection control staff or enforcement agency. A warning sign concerning infectious waste, as that term was defined by Section 25117.5 as it read on December 31, 1990, that sign having been installed before April 1, 1991, meets the requirements of this section, until the sign is changed and as long as the sign is not moved. Warning signs shall be readily legible during daylight from a distance of at least 25 feet.

Any enclosure or designated accumulation area shall provide medical waste protection from animals and natural elements and shall not provide a breeding place or a food source for insects or rodents.

1 ~~SEC. 8.~~
2 *SEC. 9.* No reimbursement is required by this act pursuant to
3 Section 6 of Article XIII B of the California Constitution because
4 the only costs that may be incurred by a local agency or school
5 district will be incurred because this act creates a new crime or
6 infraction, eliminates a crime or infraction, or changes the
7 penalty for a crime or infraction, within the meaning of Section
8 17556 of the Government Code, or changes the definition of a
9 crime within the meaning of Section 6 of Article XIII B of the
10 California Constitution.